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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/742,349 | 12/19/2003 | Masashi Hirokawa | 2271/57379-A | 6416 |

7590 02/15/2008
Ivan S. Kavrukov
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New York, NY 10036

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| EXAMINER |
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EBRAHIMI DEHKORD, SAEID

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| ART UNIT | PAPER NUMBER |
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2625

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| MAIL DATE | DELIVERY MODE |
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02/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--|--|--|
| Office Action Summary | Application No. 10/742,349 | Applicant(s) HIROKAWA, MASASHI | |
| | Examiner Saeid Ebrahimi-dehKordy | Art Unit 2625 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 55-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 55-57 is/are allowed.
- 6) ☒ Claim(s) 58-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. The Examiner acknowledges that applicant has filed the Terminal Disclaimer, However during the updated search the following claims are rejected.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 58-70 are rejected under 35 U.S.C. 102(b) as being anticipated by Kikuchi et al (U.S. patent 5,552,901).

Regarding claim 58, 65-68 Kikuchi et al disclose: A method for monitoring performance of an image forming apparatus, said method comprising: (a) monitoring each image forming function of the image forming apparatus (note Fig.14, column 19, lines 7-19) and maintaining a corresponding count of a number of times that the image forming function of the image forming apparatus has been used (note Fig.5, column 6, lines 39-47) (b) storing performance measurement data corresponding to said function usage counts maintained in (note Fig.5, column 6, lines 43-48) (a); (c) receiving a request for data transmission from a central data processing apparatus and in response to said request, reading said measurement data stored in (b) relating to said function usage count (note Fig.1, column 4, lines 64-67 and column 5, lines 1-17) (d)

transferring said measurement data read in (c) to said central data processing apparatus (note Fig.5, column 6, lines 39-47).

Regarding claim 59 Kikuchi et al disclose: The method of claim 58, wherein said image forming apparatus is connected to said central data processing apparatus via a telephone line network (note column 6, line 67 to column 7, line 9).

Regarding claim 60. The method of claim 58, wherein said image forming apparatus and said central data processing apparatus perform communications operations in accordance with a group 3 facsimile protocol (Fig.11, column 15, lines 26-39).

Regarding claim 61, 63 and 69-70 Kikuchi et al disclose: A method for monitoring performance of an image forming apparatus, said method comprising: (a) measuring for each predetermined period of time a number of times that facsimile communications have been performed by the image forming apparatus using said predetermined period of time (note Fig.14, column 19, lines 7-19 also note Fig.5, column 6, lines 39-47) (b) storing performance measurement data corresponding to said number of times that facsimile communications have been performed, measured in (a) (note Fig.5, column 6, lines 43-48) (c) receiving a request for data transmission from a central data processing apparatus and in response to said request, reading said measurement data stored in (b) (note Fig.1, column 4, lines 64-67 and column 5, lines 1-17) relating to said number of times that facsimile communications have been performed (note Fig.1, column 4, lines 64-67 and column 5, lines 1-17) and (d) transferring said data read in (c) to said central data processing apparatus (note Fig.5, column 6, lines 39-47).

Regarding claim 62 Kikuchi et al disclose: The method of claim 61, wherein said image forming apparatus is connected to said central data processing apparatus via a telephone line network (note column 6, line 67 to column 7, line 9).

Regarding claim 64 Kikuchi et al disclose: The method of claim 63, wherein said image forming apparatus is connected to said central data processing apparatus via a telephone line network (note column 6, line 67 to column 7, line 9).

Allowable Subject Matter

5. Claims 55-57 are allowed.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeid Ebrahimi-dehKordy whose telephone number is 571-272-7462. The examiner can normally be reached on Mon-Fri, 8:00am-6:00pm.

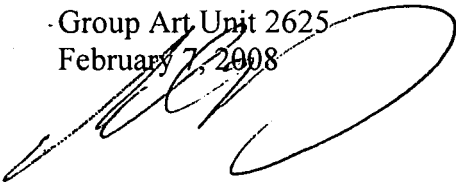
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from

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a USPTO Customer Service Representative or access to the automated information system, call
800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Saeid Ebrahimi
Patent Examiner
Group Art Unit 2625
February 7, 2008

A handwritten signature in black ink, appearing to be 'Saeid Ebrahimi', written over the printed name and date.